

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION



FREDDIE G. JONES,

Plaintiff,

v.

UNIPRES U.S.A., INC.,

Defendant.

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Civil Action No. 3:12-CV-01089

JUDGE TRAUGER

MAGISTRATE JUDGE BRYANT

JURY DEMAND

DEFENDANT UNIPRES, U.S.A., INC.'S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Unipres U.S.A., Inc., files this Motion to Dismiss and respectfully requests that it be granted because:

- (1) Plaintiff's case is time barred because he filed this case more than 90 days after receiving his right-to-sue letter, and
- (2) Plaintiff's complaint fails to state a claim for retaliation.

In support of its motion, Unipres files herewith its supporting Memorandum of Law.

/s/ M. Clark Spoden

M. Clark Spoden

James B. Johnson

STITES & HARBISON, PLLC

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615-782-2343

Attorneys for Defendant Unipres U.S.A., Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November, 2012, a true and exact copy of the foregoing has been served via ECF on Andy L. Allman, 103 Bluegrass Commons Boulevard, Hendersonville, Tennessee 37075.

/s/ M. Clark Spoden